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and Debtors-in-Possession*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

Genesis Global Holdco, LLC, *et al.*,¹
Debtors.

Chapter 11

Case No.: 23-10063 (SHL)

Jointly Administered

Genesis Global Capital, LLC,
Plaintiff,
v.
Digital Currency Group, Inc.
Defendant.

Adv. Pro. No. 23- 01168 (SHL)

Genesis Global Capital, LLC,
Plaintiff,
v.
DCG International Investments Ltd.
Defendant.

Adv. Pro. No. 23- 01169 (SHL)

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor’s tax identification number (or equivalent identifier), are: Genesis Global Holdco, LLC (8219); Genesis Global Capital, LLC (8564); and Genesis Asia Pacific Pte. Ltd. (2164R). For the purpose of these Chapter 11 Cases, the service address for the Debtors is 175 Greenwich Street, Floor 38, New York, NY 10007.

Genesis Global Capital, LLC,

Plaintiff,

v.

Eric Asquith,

Defendant.

Adv. Pro. No. 23-01190 (SHL)

Gemini Trust Company, LLC,

Plaintiff,

v.

Genesis Global Capital, LLC et al,

Defendant.

Adv. Pro. No. 23-01192 (SHL)

**AMENDED AGENDA FOR HEARING TO BE HELD
DECEMBER 13, 2023, AT 2:00 P.M. (PREVAILING EASTERN TIME)**

Date and Time of Hearing:

December 13, 2023, at 2:00 p.m. (Prevailing Eastern Time)

Location of Hearing:

Before the Honorable Judge Sean H. Lane, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York. The December 13 hearing will be conducted only through Zoom for government. Parties wishing to register for the Zoom hearing should use the eCourt Appearances link on the Court's website: <https://www.nysb.uscourts.gov/ecourt-appearances> no later than 4:00 p.m. (prevailing Eastern Time) on the business day before the December 13 Hearing (the "Appearance Deadline"). Following the Appearance Deadline, the Bankruptcy Court will circulate by email the Zoom link to the December 13 Hearing to those parties who have made an electronic appearance.

Members of the public who wish to listen to, but not participate in, the Hearing free of charge may do so by calling the following muted, listen-only number: 1-929-205-6099, Access Code: 92353761344#

Copies of Motions:

Copies of each pleading identified below can be viewed and/or obtained: (i) from the Debtors' notice and claims agent, Kroll

Restructuring Administration LLC, located at 55 East 52nd Street, 17th Floor, New York, NY 10055, for free of charge on the Debtors' case website at <https://restructuring.ra.kroll.com/genesis/> or by calling +1 888-524-2017 or (ii) by accessing the Court's website at www.nysb.uscourts.gov. Note that a PACER password is needed to access documents on the Court's website.

AMENDED AGENDA FOR DECEMBER 13 HEARING

Matters to be Heard at December 13 Hearing:

I. Uncontested Matters:

1. **Insurance Motion:** *Debtors' Motion for Entry of an Order Authorizing the Debtors to (I) Further Extend the Coverage Period of Certain Insurance Policies and (II) Granting Related Relief.* ECF No. 971.

- i. **General Response Deadline:** December 6, 2023 at 4:00 p.m. (Eastern Time)

- ii. **No Objections**

- iii. **Related Pleadings:**

- a. *Notice of Revised Proposed order Concerning the Debtors' Motion for Entry of an Order Authorizing the Debtors to (I) Further Extend the Coverage Period of Certain Insurance Policies and (II) Granting Related Relief.* ECF No. 1035.

- iv. **Status:** A revised proposed order has been filed and the matter is going forward.

2. **NOL Motion:** *Debtors' Motion for an Order Approving Restrictions on Certain Actions of DCG.* ECF No. 1009.

- i. **General Response Deadline:** December 6, 2023 at 4:00 p.m. (Eastern Time)

- ii. **No Objections**

- iii. **No Related Pleadings**

- iv. **Status:** A proposed order has been filed and the matter is going forward.

II. Professionals' Fee Applications:

1. **Cleary Gottlieb Steen & Hamilton Second Interim Fee Application:** *Second Application of Cleary Gottlieb Steen & Hamilton LLP, Counsel for the Debtors, for Interim Allowance of Compensation for Professional Services Rendered and for Reimbursement of Actual and Necessary Expenses Incurred from June 1, 2023 through August 31, 2023.* ECF No. 935.

- i. **General Response Deadline:** December 6, 2023 at 4:00 p.m.. (Eastern Time)

ii. No Objections

iii. Related Pleadings:

- a. *Notice Of Hearing On Interim Applications For Allowance Of Compensation And Reimbursement Of Expenses Incurred from June 1, 2023 through September 30, 2023.* ECF No. 940.
- b. *Notice of Proposed Order Concerning the Second Interim Applications for Allowance of Compensation and Reimbursement of Expenses Incurred from June 1, 2023 through September 30, 2023.* ECF No. 1038.

iv. Status: A proposed order has been filed and the matter is going forward.

2. Alvarez & Marsal North America, LLC Second Interim Fee Application: *Second Application of Alvarez & Marsal North America, LLC as Financial Advisors for the Debtors, for Interim Allowance of Compensation for Professional Services Rendered and Reimbursement of Actual and Necessary Expenses Incurred from June 1, 2023 through and Including August 31, 2023.* ECF No. 939.

i. General Response Deadline: December 6, 2023 at 4:00 p.m.. (Eastern Time)

ii. No Objections

iii. Related Pleadings:

- a. *Notice Of Hearing On Interim Applications For Allowance Of Compensation And Reimbursement Of Expenses Incurred from June 1, 2023 through September 30, 2023.* ECF No. 940.
- b. *Notice of Proposed Order Concerning the Second Interim Applications for Allowance of Compensation and Reimbursement of Expenses Incurred from June 1, 2023 through September 30, 2023.* ECF No. 1038.

iv. Status: A proposed order has been filed and the matter is going forward.

3. Grant Thornton LLP First Interim Fee Application: *First Interim Fee Application of Grant Thornton LLP as Tax Advisors to the Debtors for Allowance of Compensation and Reimbursement of Expenses for the Period April 4, 2023 through September 30, 2023.* ECF No. 920.

i. General Response Deadline: December 6, 2023 at 4:00 p.m.. (Eastern Time)

ii. No Objections

iii. Related Pleadings:

- a. *Notice Of Hearing On Interim Applications For Allowance Of Compensation And Reimbursement Of Expenses Incurred from June 1, 2023 through September 30, 2023.* ECF No. 940.

- b. *Notice of Proposed Order Concerning the Second Interim Applications for Allowance of Compensation and Reimbursement of Expenses Incurred from June 1, 2023 through September 30, 2023.* ECF No. 1038.

iv. **Status:** A proposed order has been filed and the matter is going forward.

- 4. **M3 Advisory Partners, LP Second Interim Fee Application:** *Second Interim Fee Application of M3 Advisory Partners, LP, Financial Advisor to the Debtors for the Interim Fee Period from June 1, 2023, through September 30, 2023.* ECF No. 922.

i. **General Response Deadline:** December 6, 2023 at 4:00 p.m.. (Eastern Time)

ii. **No Objections**

iii. **Related Pleadings:**

- a. *Notice Of Hearing On Interim Applications For Allowance Of Compensation And Reimbursement Of Expenses Incurred from June 1, 2023 through September 30, 2023.* ECF No. 940.
- b. *Notice of Proposed Order Concerning the Second Interim Applications for Allowance of Compensation and Reimbursement of Expenses Incurred from June 1, 2023 through September 30, 2023.* ECF No. 1038.

iv. **Status:** A proposed order has been filed and the matter is going forward.

- 5. **Morrison Cohen LLP Second Interim Fee Application:** *Second Interim Application of Morrison Cohen LLP, Special Litigation and Enforcement Counsel to the Debtors, for Allowance of Compensation for Professional Services Rendered and for Reimbursement of Actual and Necessary Expenses Incurred from June 1, 2023 through September 30, 2023.* ECF No. 923.

i. **General Response Deadline:** December 6, 2023 at 4:00 p.m.. (Eastern Time)

ii. **No Objections**

iii. **Related Pleadings:**

- a. *Notice Of Hearing On Interim Applications For Allowance Of Compensation And Reimbursement Of Expenses Incurred from June 1, 2023 through September 30, 2023.* ECF No. 940.
- b. *Notice of Proposed Order Concerning the Second Interim Applications for Allowance of Compensation and Reimbursement of Expenses Incurred from June 1, 2023 through September 30, 2023.* ECF No. 1038.

iv. **Status:** A proposed order has been filed and the matter is going forward.

- 6. **Kroll Restructuring Administration LLC First Interim Fee Application:** *First Interim Fee Application of Kroll Restructuring Administration LLC, as Administrative Advisor to the Debtors, for Services Rendered and Reimbursement of Expenses for the Period from January 19, 2023 through September 30, 2023.* ECF No. 936.

i. **General Response Deadline:** December 6, 2023 at 4:00 p.m.. (Eastern Time)

ii. **No Objections**

iii. **Related Pleadings:**

a. *Notice Of Hearing On Interim Applications For Allowance Of Compensation And Reimbursement Of Expenses Incurred from June 1, 2023 through September 30, 2023.* ECF No. 940.

b. *Notice of Proposed Order Concerning the Second Interim Applications for Allowance of Compensation and Reimbursement of Expenses Incurred from June 1, 2023 through September 30, 2023.* ECF No. 1038.

iv. **Status:** A proposed order has been filed and the matter is going forward.

7. **Moelis & Company LLC Second Interim Fee Application:** *Second Interim Application of Moelis & Company LLC for Compensation for Professional Services Rendered and Reimbursement of Actual and Necessary Expenses as Investment Banker to the Debtors from June 1, 2023 through and Including September 30, 2023.* ECF No. 925.

i. **General Response Deadline:** December 6, 2023 at 4:00 p.m.. (Eastern Time)

ii. **No Objections**

iii. **Related Pleadings:**

a. *Notice Of Hearing On Interim Applications For Allowance Of Compensation And Reimbursement Of Expenses Incurred from June 1, 2023 through September 30, 2023.* ECF No. 940.

b. *Notice of Proposed Order Concerning the Second Interim Applications for Allowance of Compensation and Reimbursement of Expenses Incurred from June 1, 2023 through September 30, 2023.* ECF No. 1038.

iv. **Status:** A proposed order has been filed and the matter is going forward.

8. **White & Case LLP Second Interim Fee Application:** *Second Interim Fee Application of White & Case LLP, Counsel to the Official Committee of Unsecured Creditors, for Compensation for Services Rendered and Reimbursement of Expenses Incurred, for the Period June 1, 2023 through September 30, 2023.* ECF No. 917.

i. **General Response Deadline:** December 6, 2023 at 4:00 p.m.. (Eastern Time)

ii. **No Objections**

iii. **Related Pleadings:**

a. *Notice Of Hearing On Interim Applications For Allowance Of Compensation And Reimbursement Of Expenses Incurred from June 1, 2023 through September 30, 2023.* ECF No. 940.

- b. *Notice of Proposed Order Concerning the Second Interim Applications for Allowance of Compensation and Reimbursement of Expenses Incurred from June 1, 2023 through September 30, 2023.* ECF No. 1038.

iv. **Status:** A proposed order has been filed and the matter is going forward.

9. **Seward & Kissel LLP Second Interim Fee Application:** *Second Interim Fee Application of Seward & Kissel LLP, Special Litigation Counsel for the Official Committee of Unsecured Creditors, for Compensation for Services Rendered and Reimbursement of Expenses Incurred for the Period from June 1, 2023 through September 30, 2023.* ECF No. 929.

i. **General Response Deadline:** December 6, 2023 at 4:00 p.m.. (Eastern Time)

ii. **No Objections**

iii. **Related Pleadings:**

- a. *Notice Of Hearing On Interim Applications For Allowance Of Compensation And Reimbursement Of Expenses Incurred from June 1, 2023 through September 30, 2023.* ECF No. 940.
- b. *Notice of Proposed Order Concerning the Second Interim Applications for Allowance of Compensation and Reimbursement of Expenses Incurred from June 1, 2023 through September 30, 2023.* ECF No. 1038.

iv. **Status:** A proposed order has been filed and the matter is going forward.

10. **Houlihan Lokey Capital, Inc. Second Interim Fee Application:** *Second Interim Fee Application of Houlihan Lokey Capital, Inc., Investment Banker for the Official Committee of Unsecured Creditors of Genesis Global Holdco, et al., for Compensation and Reimbursement of Expenses for the Period of June 1, 2023 through September 30, 2023.* ECF No. 931.

i. **General Response Deadline:** December 6, 2023 at 4:00 p.m.. (Eastern Time)

ii. **No Objections**

iii. **Related Pleadings:**

- a. *Notice Of Hearing On Interim Applications For Allowance Of Compensation And Reimbursement Of Expenses Incurred from June 1, 2023 through September 30, 2023.* ECF No. 940.
- b. *Notice of Proposed Order Concerning the Second Interim Applications for Allowance of Compensation and Reimbursement of Expenses Incurred from June 1, 2023 through September 30, 2023.* ECF No. 1038.

iv. **Status:** A proposed order has been filed and the matter is going forward.

11. **Berkeley Research Group, LLC Second Interim Fee Application:** *Second Interim Application of Berkeley Research Group, LLC for Compensation for Services Rendered and Reimbursement of Expenses as Financial Advisor to the Official Committee of Unsecured Creditors During the Period from June 1, 2023 through September 30, 2023.* ECF No. 934.

i. **General Response Deadline:** December 6, 2023 at 4:00 p.m.. (Eastern Time)

ii. **No Objections Related Pleadings:**

- a. *Notice Of Hearing On Interim Applications For Allowance Of Compensation And Reimbursement Of Expenses Incurred from June 1, 2023 through September 30, 2023.* ECF No. 940.
- b. *Notice of Proposed Order Concerning the Second Interim Applications for Allowance of Compensation and Reimbursement of Expenses Incurred from June 1, 2023 through September 30, 2023.* ECF No. 1038.

iii. **Status:** A proposed order has been filed and the matter is going forward.

III. Adversary Proceedings Matters Going Forward

1. **Pre-Trial Conference.** *Complaint against Genesis Global Capital, LLC.* ECF No. 1, Adv. Pro. No. 23-01192.

i. **Related Pleadings:**

- a. *Answer to Complaint, Counterclaim against Gemini Trust Company, LLC.* ECF No. 10. Adv. Pro. No. 23-01192.
- b. *Motion to Dismiss Adversary Proceeding / Motion to Dismiss Counts II, III, and IV of the Complaint as to Genesis Global Capital, LLC and All Counts as to Genesis Global Holdco, LLC and Genesis Asia Pacific Pte. Ltd. filed by Luke A Barefoot on behalf of Genesis Asia Pacific PTE. LTD., Genesis Global Capital, LLC, Genesis Global Holdco, LLC.* ECF No. 9. Adv. Pro. No. 23-01192.
- c. *Letter to Hon. Sean H. Lane.* ECF No. 10. Adv. Pro. No. 23-01192.
- d. *Letter Brief Re Proposed Schedule.* ECF No. 12. Adv. Pro. No. 23-01192.

ii. **Status:** This pre-trial conference is going forward.

IV. Adversary Proceedings Matters Not Going Forward

1. **Partial Repayment Agreement Motion:** *Motion for Entry of (I) Consent Judgment Against the DCG Parties and (II) Order Authorizing, to the Extent Necessary, GGC, to Take Actions in Furtherance of the Partial Repayment Agreement Pursuant to Sections 105(a) and 363(b) of the Bankruptcy Code, or, in the Alternative, Bankruptcy Rule 9019(a).* ECF No. 9, 11, Adv. Pro. No. 23-01168, Adv. Pro. No. 23-01169.

i. **Related Pleadings:**

- a. *Debtors' Motion to Shorten Notice Period and Schedule a Hearing with Respect to Debtors' Motion for Entry Of (I) Consent Judgment Against the DCG Parties and (II) Order Authorizing, to the Extent Necessary, GGC to Take Actions in Furtherance of the Partial Repayment Agreement Pursuant to Sections 105(a) and 363(b) of the Bankruptcy Code, or, in the*

Alternative, Bankruptcy Rule 9019(a), (the “Motion to Shorten Notice”), ECF 10, 12.

- b. Statement and Reservation of Rights of the Official Committee of Unsecured Creditors with Respect to the Debtors’ Motion for Entry of (I) Consent Judgment Against the DCG Parties and (II) Order Authorizing, to the Extent Necessary, GGC to take Actions in Furtherance of the Partial Repayment Agreement Pursuant to Sections 105(a) and 363(b) of the Bankruptcy Code, or, in the Alternative, Bankruptcy Rule 9019(a). ECF No. 13, 15.*
- c. Notice of Adjournment of Hearing on Debtors’ Motion for Entry of (i) Consent Judgment Against the DCG Parties and (ii) Order Authorizing, to the Extent Necessary, GGC to Take Actions in Furtherance of the Partial Repayment Agreement Pursuant to Sections 105(a) and 363(b) of the Bankruptcy Code, or, in the Alternative, Bankruptcy Rule 9019(a). ECF No. 15, 17.*

- ii. Status:** In light of the Debtors’ withdrawal of the Motion to Shorten Notice the Partial Repayment Agreement Motion will be heard on regular notice on December 21, 2023 at 2:00 p.m. (Eastern Time).

2. Pre-Trial Conference. *Complaint against Eric Asquith for Injunctive Relief.* ECF No. 1, Adv. Pro. No. 23-01190.

i. Related Pleadings:

- a. Order Signed On 11/30/2023 Granting Re: Motion Of Debtor-Plaintiff (I) for Preliminary Injunction or (II) to Extend Automatic Stay to Non-Debtor. ECF No. 18.*
- b. Notice of Withdrawal of GGC's Motion Pursuant to 11 U.S.C. 105(a) and 107(b) and Bankruptcy Rule 9018 for Entry of an Order Authorizing GGC to File Under Seal Certain Portions of (a) Motion for (i) Preliminary Injunction or (ii) Order Extending Automatic Stay to Non-Debtors, (b) the Accompanying Memorandum of Law, (c) the Accompanying Declaration, and (d) the Accompanying Adversary Complaint. ECF No. 19.*

- ii. Status:** Pursuant to paragraph 7 of the *Order Signed On 11/30/2023 Granting Re: Motion Of Debtor-Plaintiff (I) for Preliminary Injunction or (II) to Extend Automatic Stay to Non-Debtor*, ECF No. 18, this matter is adjourned sine die.

3. Pre-Trial Conference: *Complaint against Digital Currency Group, Inc.* ECF No. 1, Adv. Pro. No. 23-01168.

i. Related Pleadings:

- a. Notice of Voluntary Stay of Prosecution of Complaints Against Digital Currency Group, Inc. and DCG International Investments Ltd. ECF No. 4, Adv. Pro. No. 23-01168.*

- ii. **Status:** This pre-trial conference has been adjourned to January 3, 2023 at 10:00 a.m. (Eastern Time).

4. Pre-Trial Conference. *Complaint against DCG International Investments Ltd.* ECF No. 1, Adv. Pro. No. 23-01169.

i. Related Pleadings:

- a. *Notice of Voluntary Stay of Prosecution of Complaints Against Digital Currency Group, Inc. and DCG International Investments Ltd.* ECF No. 6, Adv. Pro. No. 23-01169.

- ii. **Status:** This pre-trial conference has been adjourned to January 3, 2023 at 10:00 a.m. (Eastern Time).

Dated: December 12, 2023
New York, New York

CLEARY GOTTlieb STEEN & HAMILTON LLP

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